

**7-22-105 Bond required.**

(1) Before furnishing any escrow services, each escrow agent shall file with the commissioner a surety bond in accordance with the following schedule:

	Monthly Average	Minimum
	Escrow Liability	Surety Bond
	Up to \$10,000	\$10,000
	\$10,001 to 20,000	\$20,000
	\$20,001 to 30,000	\$30,000
	\$30,001 to 40,000	\$40,000
	Above \$40,000	\$50,000

(2) The surety bond shall name as beneficiaries:

- (a) this state for payment of any costs incurred and charges made in connection with any escrow agent's insolvency or default, including costs and charges relating to an examination and receivership of any escrow agent; and
  - (b) when all claims and charges of the state have been paid in full, any person who has a claim against the surety on the bond based on any default or violation of any duty or obligation of the escrow agent.
- (3) The total aggregate liability on the bond from all claims including legal fees and other costs incurred in connection with the bond may not exceed the amount of the bond.
- (4) An applicant for registration as an escrow agent may, in lieu of and subject to the same surety conditions described in Subsection (2), deposit assets with or provide a letter of credit to the commissioner in the amount of the minimum surety bond required in Subsection (1).

Amended by Chapter 182, 1996 General Session